

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RONALD WAYNE WINFREY,

Defendant.

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8:12CR275

ORDER

This matter is before the court on the motion for an extension of time by defendant Ronald Wayne Winfrey (Winfrey) (Filing No. 20). Winfrey seeks an extension of time to file pretrial motions and to continue trial. Winfrey has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 20-2). Winfrey's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted as set forth below.

IT IS ORDERED:

1. Defendant Winfrey's motion for an extension of time to file pretrial motions (Filing No. 20) is granted. Winfrey is given until **on or before October 31, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between September 20, 2012, and October 31, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Defendant Winfrey's motion to continue trial is granted to the extent a trial date will be established following the expiration of the pretrial motion deadline set forth above or the disposition of any pretrial motions.

DATED this 20th day of September, 2012.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge